

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LAWRENCE E. LUPIEN,)	
)	
Petitioner,)	4:01cv3208
)	
vs.)	MEMORANDUM AND ORDER
)	
HAROLD W. CLARKE,)	
)	
Respondent.)	

Pursuant to filing no. 50, the Judgment of the United States Court of Appeals for the Eighth Circuit, filed in the above-entitled case on April 25, 2005, this case is on remand for further proceedings in accordance with the Eighth Circuit's decision (filing no. 49). In Lupien v. Clarke, No. 04-1618 (8th Cir. March 31, 2005), the Eighth Circuit remanded this case for entry of judgment dismissing the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 ("§ 2254 petition") filed by the petitioner, Lawrence E. Lupien. Therefore, in accordance with the Eighth Circuit's decision and Judgment, the petitioner's § 2254 petition is denied and dismissed with prejudice. Judgment will be entered accordingly.

SO ORDERED.

DATED this 26th day of April, 2005.

BY THE COURT:

s/ RICHARD G. KOPF
United States District Judge